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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

H026901

Plaintiff and Respondent,

(Santa Clara County
Superior Court
No. CC111448)

v.

ALBERTO NEGRETE ORTIZ,

Defendant and Appellant.

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Defendant pleaded no contest to possession of cocaine for sale (Health & Saf. Code, § 11351), possession of methamphetamine for sale (Health & Saf. Code, § 11378) and providing a false name to a police officer (Pen. Code, § 148.9). He also admitted that he had suffered prior possession for sale convictions (Health & Saf. Code, §§ 11370, subds. (a), (c), 11370.2, subds. (a), (c); Pen. Code, § 1203.07, subd. (a)(11) and served a prison term for a prior felony conviction (Pen. Code, § 667.5, subd. (b)). The court struck the punishment for the prior conviction and prison prior enhancements and imposed a state prison term of four years. Defendant received credit against this term for 447 actual days of custody and 222 days of conduct credit pursuant to Penal Code section 4019.

Six months later, defendant filed a motion seeking “correction” of the custody credit award. He claimed that he was entitled to a total of 741 days of credit. The court found that defendant was not entitled to additional credit because he had been serving a parole revocation term during part of the time he was in custody after his arrest in this case. Because the parole revocation term was based on “mixed” conduct, defendant was not entitled to dual credit. Defendant’s motion was denied. Defendant appeals from the denial of his motion.

Appointed appellate counsel has filed an opening brief which states the case and the facts but raises no issues. Defendant was notified of his right to submit written argument on his own behalf but has failed to avail himself of the opportunity. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there are no arguable issues on appeal.

The order denying defendant’s motion is affirmed.

Mihara, J.

WE CONCUR:

Rushing, P.J.

Premo, J.